

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-647-RJC-DCK**

JOYCE MESICK and CRAIG MESICK, on)
behalf of minor child H.M.,)

Plaintiffs,)

v.)

ORDER

NORTH CAROLINA STATE BOARD OF)
EDUCATION, DONALD VAN VER)
VAART, CATHERINE TRUITT, UNION)
COUNTY BOARD OF EDUCATION)
NC OAH, ANDREW HOULIHAN)
HILLARY KOBOTH, LAURA BEACHUM,)
and SARAH STALEY,)

Defendants.)

THIS MATTER IS BEFORE THE COURT on Plaintiffs’ “Response to Motion to Dismiss - Motion to approve Pro Hac Vice – Objection to counsel Indv. Defendants – Motion to Enforce Retainer Agreement – Motion to Produce Insurance/Bond” (Document No. 47) filed January 29, 2024. This filing is before the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the response/motions and the record, the undersigned will strike the response and deny the motions included therein.

Plaintiffs are appearing in this action without counsel, and this recent filing is inconsistent with the Local Rules of this Court, as well as the undersigned’s previous Orders. See (Document Nos. 37, 43, 47). Plaintiff’s filing purports to include a response to pending motion(s) to dismiss as well as multiple motions for relief. (Document No. 47). Pursuant to the Local Rules, “Motions shall not be included in responsive briefs. Each motion must be set forth as a separately filed

pleading.” LCvR 7.1(c)(2). Moreover, it appears the undersigned has recently addressed, and denied, at least some of the relief requested in this filing. See (Document No. 43).

Plaintiffs’ responses to Defendants’ pending motions to dismiss (Document Nos. 31, 33, and 35) were due by January 26, 2024. See (Document Nos. 37 and 43). Plaintiffs’ response is late and fails to properly focus on just the pending motions to dismiss. (Document No. 47). Under these circumstances, the undersigned will direct that Plaintiffs’ “Response to Motion to Dismiss...” (Document No. 47) be stricken and that Plaintiffs be allowed a short extension of time to file a response (or responses) that only address(es) the pending motions to dismiss (Document Nos. 31, 33, and 35).¹

IT IS, THEREFORE, ORDERED that Plaintiffs’ “Response to Motion to Dismiss - Motion to approve Pro Hac Vice – Objection to counsel Indv. Defendants – Motion to Enforce Retainer Agreement – Motion to Produce Insurance/Bond” (Document No. 47) is **STRICKEN**, and the included motions are **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs shall file one or more responses directly and solely addressing Defendants’ arguments for dismissal in Document Nos. 31, 32, 33, 34, 35, and 36, on or before **February 9, 2024**.

SO ORDERED.

Signed: January 30, 2024



David C. Keesler
United States Magistrate Judge



¹ The undersigned notes that Plaintiffs’ response to “Defendant Kroboth’s Motion To Dismiss Plaintiffs’ Amended Complaint” (Document No. 44) is due by February 1, 2024. See (Document No. 46).